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## China - Peoples Republic of

**Post:** Beijing

### China's Draft Certificate Requirement for Imported Foods (TBT 1209)

**Report Categories:**

Policy and Program Announcements

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**Report Highlights:**

This report is for reference only. It provides an unofficial translation of the draft measure as notified to the World Trade Organization on June 19, 2017 as [TBT 1209](#). While the proposed date of enforcement was October 1, 2017, China granted a two-year transitional period to September 30, 2019. Please refer to GAIN report on China's [announcement](#). The unofficial translation of the draft was prepared in cooperation with other Diplomatic Missions in Beijing. A finalized measure is expected to be released in 2018.

## General Information:

### BEGIN TRANSLATION

#### Measures for the Administration of Certificates Attached to Imported Food (Consultation Paper)

**Article 1 (Legislative Intent and Basis)** With a view to ensuring the quality and safety of imported food and realizing the effective integration of imported food supervision and that conducted by countries (regions) exporting food to China, the *Measures* are formulated pursuant to the *Food Safety Law of the People's Republic of China* and its *Implementation Regulations*.

**Article 2 (Scope of Application)** The *Measures* shall apply to the administration of certificates attached to imported food, except as otherwise provided by existing laws, regulations or rules.

**Article 3 (Definition)** The certificates of the *Measures*, shall refer to official certification documents issued by the competent authority or the specified institutions of the exporting country (region). They should be able to affirm that food of relevant batches exported to China is produced, processed, stored, transported, and exported under the effective supervision of the competent authority of the export country (region) and that it is fit for human consumption. Official certificates shall include sanitary certificates and quarantine certificates that have already been confirmed by the General Administration of Quality Supervision, Inspection and Quarantine (AQSIQ) of the People's Republic of China and the exporting country (region).

**Article 4 (Administration of the Specified Institutions)** For certificates that are issued by institutions specified by the competent authority of the exporting country (region), the competent authority shall report the information of the specified institutions to the AQSIQ. Information shall include: the legal ground, the authorization procedures, the copy of authorization certificate, and the name and the stamp of the specified institution, and the signature of certificate-issuing officials.

The competent authority of the exporting country (region) shall ensure that the specified institution is equipped with relevant technical capacity and resources to ensure that the producers holding certificates engage in production, processing, storage, transportation and export under the supervision of the competent authority of the exporting country (region).

**Article 5 (Content of Certificates)** Certificates attached to imported food shall contain the following information:

1. Information pertaining to producers: including the name, address, the registration number (if applicable) and the information record number;
2. Information pertaining to products: including the name, brand, product specifications, the method of packaging, quantity/weight, type, date of production/packaging and the origin of the product;
3. Information pertaining to trade: including the name, address, and record number of the importer; the name, address, and record number of the exporter; the point of departure, the point of destination, means of transport, the container number and the seal number;
4. Food exported to China shall be produced, processed, stored, transported, and exported under

the supervision of the competent authority of the exporting country (region). The food exported shall be fit for human consumption.

**Article 6 (Template of Certificates)** Certificates attached to imported food shall contain at least English or Chinese. Adoption of a bilingual Chinese and foreign language template is encouraged. The template of certificates adopted shall be reported to AQSIQ.

**Article 7 (Submission of Certificates)** Certificates may be provided in paper form. Exporters are also encouraged to provide electronic ones.

**Article 8 (Requirements for Certificates)** The institution issuing the certificate shall ensure that the content of the certificate is consistent with the cargo information that it certifies.

**Article 9 (Requirements for Importers)** With regard to imported food with paper certificates attached, the importer shall submit the original certificates to the inspection and quarantine department at the port of entry; with regard to imported food with electronic certificates attached, the institution issuing the certificate shall send the electronic certificates to the inspection and quarantine department at the port of entry, and the importer shall report the electronic certificate number.

In the event of failure to submit certificates, import shall not be permitted.

**Article 10 (Import Inspection)** Inspection and quarantine institutions shall carry out inspection on certificates attached to imported food. In the absence of certificates, or where substandard certificates are presented, import shall not be permitted.

**Article 11 (Disposal of Substandard Import)** If certificates attached fail to conform to requirements for the format, and (or) the content does not match the cargo information, relevant cargo shall not be permitted to enter to China. Meanwhile, AQSIQ may adopt the following disposal measures:

1. AQSIQ may notify the competent authority of the exporting country (region). The competent authority of the exporting country (region) shall conduct an investigation and notify AQSIQ of the results. AQSIQ may then suspend the acceptance of certificates issued by the institution issuing the certificate, if it is verified that this institution should be held responsible for the failure and such failures occur five or more times<sup>1</sup> within 12 months.
2. Following a risk assessment, AQSIQ may suspend the acceptance of certificates issued by the exporting country (region), and then initiate a review procedure of the system of the exporting country (region), if more than 10 occasions where certificates attached are substandard are found within 12 months and if it is substantiated that the competent authority of the exporting country (region) shall be held responsible.

**Article 12 (Exemption)** With regard to non-trading food imported as samples, gifts, and presents, and for the purpose of presentation, small-scale cross-border traded food, Taiwan-related small-scale cross-border traded food, food imported for duty-free businesses, and food imported for the self-use of embassies and consulates: relevant national laws, regulations and rules shall be complied with.

**Article 13 (Interpretation)** The power to interpret the *Measures* shall be reserved to AQSIQ.

**Article 15 (Implementation)** The *Measures* shall come into force on October 1, 2017. Upon

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<sup>1</sup> Translator's note: The Chinese in this case is ambiguous, and could also mean "more than five times", i.e. "six or more times".

application by the competent authority of the exporting country (region) and with consent from AQSIQ, a transition period may be granted as appropriate.

**END TRANSLATION**